

**LITCHFIELD**  
**CAVO** LLP  
Attorneys at Law

WRITER'S ADDRESS:  
420 Lexington Avenue  
Suite 2104  
New York, NY 10170  
(212) 818-0289  
(212) 434-0105 fax  
email: vincenzi@litchfieldcavo.com

April 9, 2008

Honorable Paul A. Crotty  
United States District Court Judge  
Honorable Gabriel W. Gorenstein  
United States Magistrate Judge  
United States District Court  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

RE: COLON v. FRANCO  
Docket No.: 08-CV-00182 (PAC) (GWG)  
Our File No.: 3129-40

Your Honors:

Pursuant to Local Rule 1.4, I hereby request leave of court for the Law Offices of Zawacki, Everett & Gray to withdraw as attorney of record for the defendant, Albert Franco, in the above-captioned action and to allow Litchfield Cavo LLP to be substituted as attorneys of record. I am annexing my affidavit in support of this request.

Very truly yours,

  
VICTOR A. VINCENZI (VAV-6652)

VAV:rl  
Enc.

cc: Hecht, Kleeger, Pintel & Damashek  
Via Fax and ECF: (212) 490-4800

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANCISCO COLON JR.,

08-CV-00182 (PAC) (GWG)

Plaintiff,

-against-

AFFIDAVIT OF  
VICTOR A. VINCENZI

ALBERT FRANCO,

Defendants.  
-----X

STATE OF NEW YORK     )  
                                  ss.:  
COUNTY OF NEW YORK    )

VICTOR A. VINCENZI, being duly sworn, deposes and says:

1. I am an attorney duly admitted to practice in the Court of the State of New York as well as in the United States District Court for the Southern District of New York.

2. I am submitting this affidavit pursuant to Local Rule 1.4 for leave of court to allow the Law Offices of Zawacki, Everett & Gray to withdraw as attorney of record for the defendant, ALBERT FRANCO, in the above-captioned action and to allow the firm of Litchfield Cavo LLP to be substituted as the attorneys of record in its place.

3. In November 2007, New Jersey Manufacturers Insurance Company ("NJM") retained me pursuant to a personal auto insurance policy to defend ALBERT FRANCO, the defendant in the above-captioned action.

4. At the time my firm was retained, I was a partner at the Law offices of Zawacki, Everett & Gray (the "Zawacki firm") at 116 John Street, New York, New York 10038. I had practiced law at this location for approximately 19 years.

5. Through the Zawacki firm, an answer was interposed on behalf of the defendant on or about January 10, 2008.

6. Upon mutual consent and based upon business concerns, the partners in the Zawacki firm decided in March of 2008 the firm should be dissolved and that each partner would seek the consent of his respective clients to move their files to new firms. (The Zawacki firm has not yet filed a formal dissolution as the partners are continuing to wind-up the firm's affairs.)

7. Prior to leaving the Zawacki firm, I consulted with both NJM and Mr. Franco and received their consent to take the defense of this case with me to a new firm.

8. I have since become an attorney at Litchfield Cavo LLP located at 420 Lexington Avenue, New York, New York 10170. Mr. Franco has signed the Consent to Change Attorney form to allow this new firm to become his attorney of record in this case.

9. Copies of the substitution of attorney and the Consent to Change Attorney forms are annexed hereto.

10. Accordingly, I hereby request that the Law Office of Zawacki, Everett & Gray be allowed to withdraw as attorneys of record for defendant ALBERT FRANCO in the above-captioned action and that Litchfield Cavo LLP be allowed to substitute as the new attorneys of record for the same defendant.

  
VICTOR A. VINCENZI (VAV-6652)

Sworn to before me this  
10<sup>th</sup> day of April, 2008

  
NOTARY PUBLIC

**ROBYN LORENZO**  
Notary Public, State of New York  
No. 01LO6084842  
Qualified in Richmond County  
Commission Expires December 16, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANCISCO COLON JR.,

08 CV 00182 (PAC) (GWG)

Plaintiff,

-against-

SUBSTITUTION OF  
ATTORNEY

ALBERT FRANCO,

Defendant.  
-----X

C O U N S E L O R S :

PLEASE TAKE NOTICE, that due to the March 31, 2008 dissolution of the Law Offices of Zawacki, Everett & Gray, the firm of Litchfield Cavo L.L.P is appearing and substituting as attorneys for defendant, ALBERT FRANCO, as identified below, that the consent to change attorney form will be served and filed upon return by the client, and that henceforth all pleadings, motions, notices, discovery demands/responses, correspondence, etc. shall be served upon this office at 420 Lexington Avenue, 21<sup>st</sup> Floor, New York, New York 10170.

Dated: New York, New York  
March 31, 2008

  
MARK A. EVERETT, ESQ.

LITCHFIELD CAVO L.L.P.  
Attorneys for Defendant, ALBERT FRANCO  
420 Lexington Avenue  
New York, NY 10170  
(212) 434-0100

TO: LAW OFFICES OF NELLY STOTLAND & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
118-21 Queens Blvd., Suite 404  
Forest Hills, NY 11375  
(718) 261-0133

HECHT, KLEEGER, PINTEL & DAMASHEK  
Trial Attorneys for Plaintiff  
19 West 44<sup>th</sup> Street Suite 1500  
New York, NY 10036  
(212) 490-5700

STATE OF NEW YORK            )  
  ) s.s.:  
COUNTY OF NEW YORK        )

ROBYN LORENZO, being duly sworn, deposes and says:

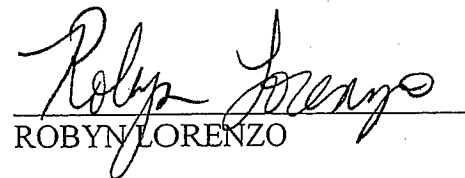
That deponent is not a party to the action, is over 18 years of age and resides in Staten Island, New York.

That on the 28<sup>th</sup> day of March, 2008, deponent served within SUBSTITUTION OF ATTORNEY upon:

LAW OFFICES OF NELLY STOTLAND & ASSOCIATES, P.C.  
Attorneys for Plaintiff  
118-21 Queens Blvd., Suite 404  
Forest Hills, NY 11375  
(718) 261-0133

HECHT, KLEEGER, PINTEL & DAMASHEK  
Trial Attorneys for Plaintiff  
19 West 44<sup>th</sup> Street Suite 1500  
New York, NY 10036  
(212) 490-5700

the addresses designated by said attorneys for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office Department within the State of New York.

  
ROBYN LORENZO

Sworn to before me this  
28<sup>th</sup> day of March, 2008

  
NOTARY PUBLIC

MARK ALAN EVERETT  
Notary Public, State of New York  
No. 02EV4962983  
Qualified in New York County  
Commission Expires Feb. 26, 2010

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
FRANCISCO COLON JR.,  
Plaintiff,

08 CV 00182 (PAC) (GWG)

-against-

CONSENT TO CHANGE  
ATTORNEY

ALBERT FRANCO,


Defendant.  
-----X

COUNSELORS:

**IT IS HEREBY CONSENTED** that Litchfield Cavo L.L.P. of 420 Lexington Avenue, New York, New York 10170 be substituted as attorneys of record for defendant ALBERT FRANCO in the above-captioned action in place and instead of the Law Offices of Zawacki, Everett & Gray as of the date hereof.

Dated: New York, New York  
March 3, 2008

  
By: ALBERT FRANCO

  
BY: VICTOR A. VINCENZI (6652)

  
BY: MARK A. EVERETT (0958)

The Law Offices of  
Zawacki, Everett & Gray  
Outgoing Attorneys for Defendant  
ALBERT FRANCO  
116 John Street  
New York, NY 10038  
(212) 732-3377

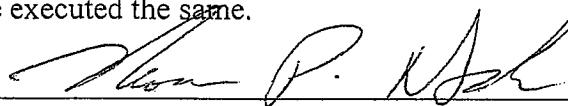
Litchfield Cavo L.L.P.  
Incoming Attorneys for Defendant  
ALBERT FRANCO  
420 Lexington Avenue  
New York, NY 10170  
(212) 434-0100

New Jersey  
STATE OF ~~NEW YORK~~ )

ss:

COUNTY OF Bergen )

On the 8<sup>th</sup> day of MARCH, 2008, before me personally came ALBERT FRANCO to me known, and known to me to be the same person described in and who executed the foregoing consent and acknowledged to me that he executed the same.

  
NOTARY PUBLIC

THOMAS P NOVAK  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
MY COMMISSION EXPIRES AUGUST 03, 2011

Message Confirmation Report

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**LITCHFIELD**  
Attorneys at Law **CAVO** LLP

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April 9, 2008

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